IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No. 59121-M of 2006
Date of Decision:- 08.03.2007

Ajmer Singh ....Petitioner(s)

through
Ms.Sadhna Trikha, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J.

The prayer in this petition is to release the petitioner on parole for agricultural operations.

The petitioner's prayer, however, has been declined on the ground that neither he owns agricultural land nor he has been in cultivating possession of any undivided agricultural land owned by his father. It is, thus, contended that the case of the petitioner does not fall within the ambit of Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Somewhat similar plea has been taken in the written statement also.

Learned counsel for the petitioner, however, contends that there is agricultural land owned by the wife of the petitioner as is evident from Jamabandi for the years 1999-2000 of village Magholi Jattan

District Kurukshetra (Annexure P-4). It is further pointed out that the wife of the petitioner is also a convict along with him in a case under Section 304-B, 498-A IPC.

After hearing learned counsel for the parties, I am of the view that if the above-stated plea taken by the petitioner is factually correct, he undoubtedly has been able to make out a case of "sufficient cause" under Section 3(1)(d) of the Act, even if his case does not fall within the ambit of Section 3(1)(c) of the Act.

Consequently, this petition is allowed to the extent that the impugned order dated 25.7.2006 (Annexure P-2) is quashed and a direction is issued to the Director General of Prisons, Haryana to get the above-noticed facts re-verified from the District Administration and if found correct, to release the petitioner on parole for agricultural operations. The needful shall be done within a period of two months from the date of receipt of certified copy of this order.

March 08, 2007 **(SURYA KANT)**
poonam **JUDGE**